

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR THE CITY OF CAMAS, WASHINGTON**

Regarding an application by Tony Marnella for)	<u>FINAL ORDER</u>
conditional use permit approval to construct a duplex)	
residence in a single-family residential zone at 1213)	CUP19-02
NW Benton Street, in the City of Camas, Washington)	(Vutukuri Duplex)

A. SUMMARY

1. The applicant, Tony Marnella, requests Conditional Use Permit ("CUP") approval to build a duplex residence in a single-family residential zone. The duplex is proposed on a 4,594 square foot parcel located at 1213 NW Benton Street; also known as tax account #82973-000 (the "site"). The site and surrounding properties are zoned R-7.5 (Single-Family Medium, 7,500 square foot minimum lot size). The existing homes in the surrounding area include a mix of styles, sizes and densities (i.e. single-family and multi-family). There is a duplex diagonally across the street from the site, at the northeast corner of NW Benton Street and NE 12th Avenue, a six-plex located at the southeast corner of NW Benton Street and NE 12th Avenue, and a multi-plex abutting the northwest corner of the site, fronting on NW Couch Street. The application materials include photos of nearby multifamily properties and the surrounding area generally. (Exhibit 9).

2. Additional basic facts about the site and surrounding land and the applicable approval standards are provided in the Staff Report to the Hearing Examiner (the "Staff Report").

3. City staff recommended that the examiner approve the application subject to conditions in the Staff Report. The applicant did not appear at the hearing. Two persons testified in writing in opposition to the proposed development, Exhibits 20 and 21.

4. Based on the findings provided or incorporated herein, the examiner approves the applications subject to the conditions at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on February 6, 2020. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. Associate City planner Madeline Sutherland summarized the Staff Report and her PowerPoint presentation, Exhibit 22.

a. The City received two written comments about the application, Exhibits 20 and 21, raising concerns with increased traffic and parking demand, the design of the proposed duplex, and its consistency with the character of the area.

i. She noted that the site and surrounding properties are zoned R7.5. Duplexes are allowed in this zone as a conditional use. There are several other multi-unit dwellings in the immediate area, including a five to nine unit apartment complex abutting the northwest corner of the site and a second five to nine unit complex to the southeast, at the southeast corner of NW Benton Street and NE 12th Avenue, and a duplex to the southeast of the site, at the northeast corner of NW Benton Street and NE 12th Avenue.

ii. The proposed duplex will comply with the off-street parking requirements of the Code, which requires two parking spaces per unit. The applicant will provide one in the garage and one in the driveway of each unit. The Code does not require on-street parking.

iii. As proposed, the development covers 47.4-percent of the site. The Code limits lot coverage to a maximum 40-percent of the site. The Staff Report includes a condition of approval requiring the applicant to modify the design to meet this standard.

b. She recommended the examiner approve the application subject to the conditions of approval set out in the Staff Report.

3. City engineer Anita Ashton noted that the applicant will construct two driveways accessing NW Benton Street. The applicant will be required to provide minimum ten foot wide driveways as required by the Code. The driveways will eliminate roughly two parking spaces on NW Benton Street. NW Benton Street is an existing street that functions as designed.

4. No one else testified orally at the hearing. The examiner closed the record and announced his intention to approve the application subject to recommended conditions.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions.

2. The Examiner finds that the Staff Report identifies all of the applicable approval standards for the application and contains sufficient findings showing the application does or can comply with those standards subject to conditions of approval. The Examiner adopts the findings in the Staff Report as his own, except to the extent they are inconsistent with the following.

3. The proposed duplex meets the parking requirements of the Code. The applicant proposed to provide four off-street parking spaces (two per unit) as required by Section 18.11.130 of the Camas Municipal Code (the “CMC”). The City does not require on-street parking. On-street parking is permitted on public streets in the area on a first-come, first-served basis. On-street parking is not reserved for abutting residents and their guests.

4. Traffic generated by the proposed development will not exceed the capacity of area streets or create a hazard. The proposed duplex structure will create two new dwellings, which will cause a minimal increase in traffic volume. NW Benton Street is an existing City street. The narrower street width, with on-street parking allowed on one side, serves a traffic calming function, narrowing the travel way and forcing drivers to slow down.

5. The design of the building meets the standards of CMC 18.19, design review, based on the applicant’s narrative (p. 3 of Exhibit 2) and the City’s design review checklist (Exhibit 12). The building design incorporates architectural features reflecting the existing homes in the area. There are several other existing multi-family homes in the surrounding area.

6. Contrary to the neighbor’s assertion in Exhibit 20, the duplex will not “take up 95% of the lot.” The applicant’s current design results in 47.4-percent lot coverage. The applicant will be required to modify the design to comply with the maximum 40-percent lot coverage standard of the Code, Table 1 of CMC 18.09.040.

D. CONCLUSION

Based on the above findings and discussion provided or incorporated herein, the examiner concludes that CUP19-02 (Vutukuri Duplex) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code and the Revised Code of the State of Washington.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves CUP19-02 (Vutukuri Duplex), subject to the following conditions of approval:

CONDITIONS OF APPROVAL

STANDARD CONDITIONS OF APPROVAL

1. Site improvement plans for work within the rights-of-way: streets, sidewalks, driveway approaches, water services, sanitary sewer laterals, and stormwater improvements shall be prepared in accordance with Camas Design Standards Manual (CDSM) and City Standards.

2. The plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City's Engineering Department for review and approval.
3. A three-percent construction plan review and inspection fee shall be required for all civil site work for this development. The fee will be based on an engineer's estimate or construction bid. The specific estimate will be submitted to the City's Engineering Department for review and approval. The fee shall be paid prior to the construction plans being signed and released to the applicant. Under no circumstances will the applicant be allowed to begin construction prior to approval of the construction plans.
4. Regulations for installation of public improvements, improvement agreements, bonding, final platting, and final acceptance shall be found in CMC 17.21.
5. In the event that any item of archaeological interest is uncovered during the course of a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease and the applicant shall notify the City, the tribes, and DAHP.
6. The applicant shall remove all temporary erosion prevention and sediment control measures from the site at completion of all site improvements, including stabilization of all disturbed soil, unless otherwise directed by the Community Development Director.
7. Final as-built construction drawing submittals shall meet the requirements of CMC 17.01.050 and the Camas Design Standards Manual (CDSM) for engineering as-built submittals.

SPECIAL CONDITIONS OF APPROVAL


Planning:

8. The applicant shall modify the proposed development to comply with the maximum 40-percent lot coverage standard.
9. Prior to engineering plan approval, a final landscape plan consistent with the landscaping standards in CMC 18.13.050 and the Camas Design Manual planting specifications shall be submitted to the city for review and approval.
10. The proposed cedar fence shall be six feet tall and 100-percent sight obscuring and installed prior to final occupancy.
11. The property owner is responsible for replacing the trees if they fail to survive, therefore appropriate measures shall be taken to ensure the trees survival. If a tree is removed or dies, it must be replaced within one year by the property owner.
12. Trees shall be installed prior to final occupancy.
13. Lighting shall be shielded or hooded from neighboring properties.
14. This permit shall expire two years from the of the date of the final decision per CMC§18.55.260, if no building plans are submitted.

Engineering:

15. The applicant shall replace any existing worn and/or damaged sidewalk and curb per Camas Design Standards Manual.
16. The applicant shall provide roof downspout and surface water runoff control in accordance with the latest edition of Ecology's SWMMWW, prior to final engineering approval.
17. The applicant shall provide verification, prior to final engineering approval that there is sufficient grade and crown on NW Benton Street to allow stormwater discharged thru weep holes to flow to the existing catch basin via the west gutter pan. If there is not sufficient grade and crown on NW Benton Street, weep holes will not be approved and stormwater shall be hard piped to the catch basin.

DATED this 10th day of February 2020.

A handwritten signature in black ink, appearing to read "Joe Turner", is written over a horizontal line.

Joe Turner, AICP

City of Camas Land Use Hearings Examiner

